

Exhibit A

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SUZANNAH ANDERSON, JACOB ASHKAR,
ELENA BERRY, BART BERRY, GWINT L.
FISHER, RENÉE FISHER, IRIS RUIZ, GARET
CUNNINGHAM, ROSALBA RUIZ,
SUZANNAH ANDERSON, CADEN ASHKAR,
KENDRA FROME, JACOB FROME, HAZEL
FROME, AND OLIVIA FROME, individually
and on behalf of all others similarly situated, and
DOES 1-327;

Plaintiffs,

v.

THE BOEING COMPANY, a Delaware profit
corporation; and ALASKA AIRLINES, INC., an
Alaska corporation,

Defendants.

NO. 24-2-00824-1 KNT

**FIRST AMENDED
COMPLAINT FOR DAMAGES
AND CLASS RELIEF**

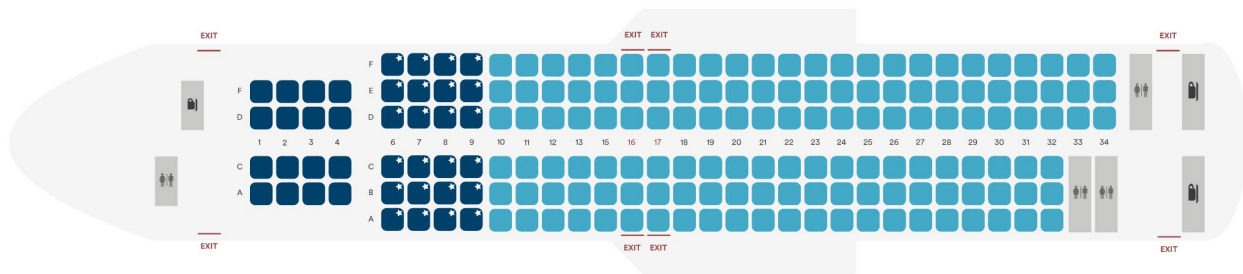
Plaintiffs allege:

I. THE INCIDENT

1.1 Alaska Airlines Flight 1282. On January 5, 2024, Alaska Airlines Flight 1282, operating a Boeing 737-MAX 9 / B39M aircraft, serial number 67501, registration N704AL (“Subject Aircraft”) departed on a regularly scheduled domestic flight from Portland, Oregon, bound for Ontario, California. As that aircraft was climbing, it lost its left-side door “plug” in flight. The aircraft depressurized, which terrified its passengers, and was forced to return to Portland International Airport to make an emergency landing. The Boeing Company’s CEO Dave

Calhoun calls the defect that led to this lived nightmare “our mistake”¹ and publicly admitted, by his implication, that the plug was not properly secured to the fuselage either during manufacture or otherwise while the aircraft was being built by Boeing, and/or its subcontractor, Spirit AeroSystems.² He told CNBC, “It escaped their factory but then it escaped ours too.”

1.2 Seat layout. The interior seating layout of the Alaska Airlines Boeing 737-9 MAX aircraft is represented below. The left plug is located at row 26.



1.3 Souls aboard. On January 5, 2024, the reported 171 passengers and six crew aboard Alaska Airlines Flight 1282 had been experiencing a normal flight. About ten minutes after takeoff, with a sudden loud explosive noise, the left door plug detached and shot off of the Subject Aircraft, which suddenly and violently depressurized.

1.4 Immediate effects. The force of the depressurization ripped the shirt off a boy, and sucked cell phones, other debris, and much of the oxygen out of the aircraft. The entire seatback of 26A as well as the headrests in seats 26A and 26B, next to the blown-out hole in the fuselage, were torn off and expelled into the night. Paneling and window trim in several rows extending from the point of failure was damaged. The shirtless boy leapt over the woman next to him, and escaped toward the front of the plane. At least two others seated near the hole followed and found new seats closer to the front.

¹See, e.g., <https://www.cbsnews.com/news/boeing-ceo-acknowledging-our-mistake-alaska-airlines-door-plug-blowout-dave-calhoun/>.

²See, e.g., <https://www.youtube.com/watch?v=7PngZBdCwJU>.



1.5 Injuries. The event physically injured some passengers and emotionally traumatized most if not all aboard. The violence of the event bruised the bodies of some. The cockpit door blew open and a flight attendant rushed to try to close it. The pressure change made ears bleed and combined with low oxygen, loud wind noise and traumatic stress made heads ache

1 severely. Passengers were shocked and confused, thrust into a waking nightmare unsure if these
2 were their last seconds alive.

3 1.6 Oxygen masks. As depicted in the photo below,³ the oxygen masks dropped from
4 the ceiling,



18 But many of the oxygen masks did not seem to work: For at least some passengers, despite tugging
19 on the tubes, no oxygen flowed. Flight attendants sought to attend to children, questions and
20 concerns, and carried oxygen bottles to some, but did not or could not help all those whose oxygen
21 masks were not functioning.

23 ³ Photo copied from The Washington Post, attributed to Flight 1282 passenger Nicholas Hoch, available at
24 <https://www.washingtonpost.com/travel/2024/01/10/alaska-airlines-boeing-max-9-passenger-compensation/>

1 1.7 Chaos and panic. According to the NTSB, the wind noise caused by the gaping
2 hole in the fuselage and the ensuing chaos seriously impaired flight crew communications among
3 themselves and with Air Traffic Control. A man stood and reportedly shouted, “*There’s a fuckin’*
4 *hole inside the plane! What the fuck is that?!*”⁴ A woman reportedly shouted, “*Oh my God!*
5 *Someone’s shirt was sucked out of the plane! There’s a hole in the plane!*”⁵

6 1.8 Diversion. The pilots declared an emergency and diverted. They descended under
7 10,000 feet MSL, and turned the airliner back toward Portland.

8 1.9 Terror aloft. As the airliner flew on, passengers feared they would not survive the
9 flight. Thoughts of a complete plane malfunction and possible destruction naturally entered their
10 minds. Some prayed. Some texted family to express their trepidation. Some gripped and clung to
11 one another. Some adult passengers were crying. Most were eerily subdued in their collective
12 helpless state, muted with masks on.

13 1.10 Landing. Fortunately, the flight crew was able to land the aircraft safely.

14 1.11 On the ground. After the plane taxied to a gate, emergency responders boarded and
15 asked whether anyone was injured. The passengers who had been nearest the door plug hole
16 deplaned first, followed by the rest.

23 ⁴ <https://www.cnn.com/2024/01/06/us/passengers-alaska-airlines/index.html>

24 ⁵ <https://www.oregonlive.com/portland/2024/01/are-we-going-down-passengers-on-alaska-airlines-flight-1282-describe-fear-confusion.html>



1.12 Exchanges of information. Inside the airport terminal building, passengers talked to one another; sharing questions, concerns, observations, feelings, and speculation. Some shared photos and/or video and audio they had taken while aloft of passengers, of where the hole where the Subject Aircraft's left plug had been and of related damage and debris.

1.13 Where to now? Some passengers were rebooked on a new flight aboard a substitute Alaska Airlines 737-MAX 9 and continued to Ontario, California. Many understandably had no interest in reboarding an aircraft and instead took ground transportation to their homes in the area or found other accommodation.

1.14 Terror on the ground. The information passengers obtained upon landing, such as seeing the gaping hole and damage to the aircraft, and communications from airline employees, other passengers, and news reports, led many to suffer further injurious impacts of their in-flight experience on their psychological states.

II. THE AIRCRAFT

2.1 Manufacturer. Defendant The Boeing Company is the manufacturer of the Subject Aircraft within the meaning of the Washington Product Liability Act, Chapter 7.72 RCW because Boeing designed, made, fabricated, constructed, and/or remanufactured, and/or had the contractual and/or designated responsibility to design, make, fabricate, construct and/or remanufacture, and/or marketed or branded under its name, some or all of the Subject Aircraft, including but not limited to its left plug door assembly. Boeing conducted final assembly and inspection of the Subject Aircraft, in Renton, Washington. The Boeing Company is the type certificate holder for the aircraft. As such, under Washington law and under the Federal Aviation Regulations, Boeing is responsible for the safety of design and maintenance instructions as well as continuing airworthiness of the aircraft.

2.2 Certifications. The Subject Aircraft received its airworthiness certificate on October 25, 2023, entered service with Alaska Airlines in the state of Washington on October 31, 2023, and received its FAA registration certificate on November 2, 2023.

2.3 Registered Owner. On information and belief formed after reasonable inquiry and subject to further investigation and discovery, Alaska Airlines, Inc. upon its purchase of the Subject Aircraft and all times thereafter relevant to this action, was the registered owner of the Subject Aircraft.

2.4 Delivery. On information and belief formed after reasonable inquiry and subject to further investigation and discovery, Alaska Airlines, Inc. took delivery from The Boeing Company of the Subject Aircraft on or about November 11, 2023 in the state of Washington.

2.5 Plug. The door plug on the left side of the Subject Aircraft relies on four bolts to ensure a proper seal between the door edges and the fuselage is maintained in flight, and to prevent

vertical translation of the door in flight. This is achieved through bolts attached through upper guide fittings and lower hinge pins, as illustrated below⁶:

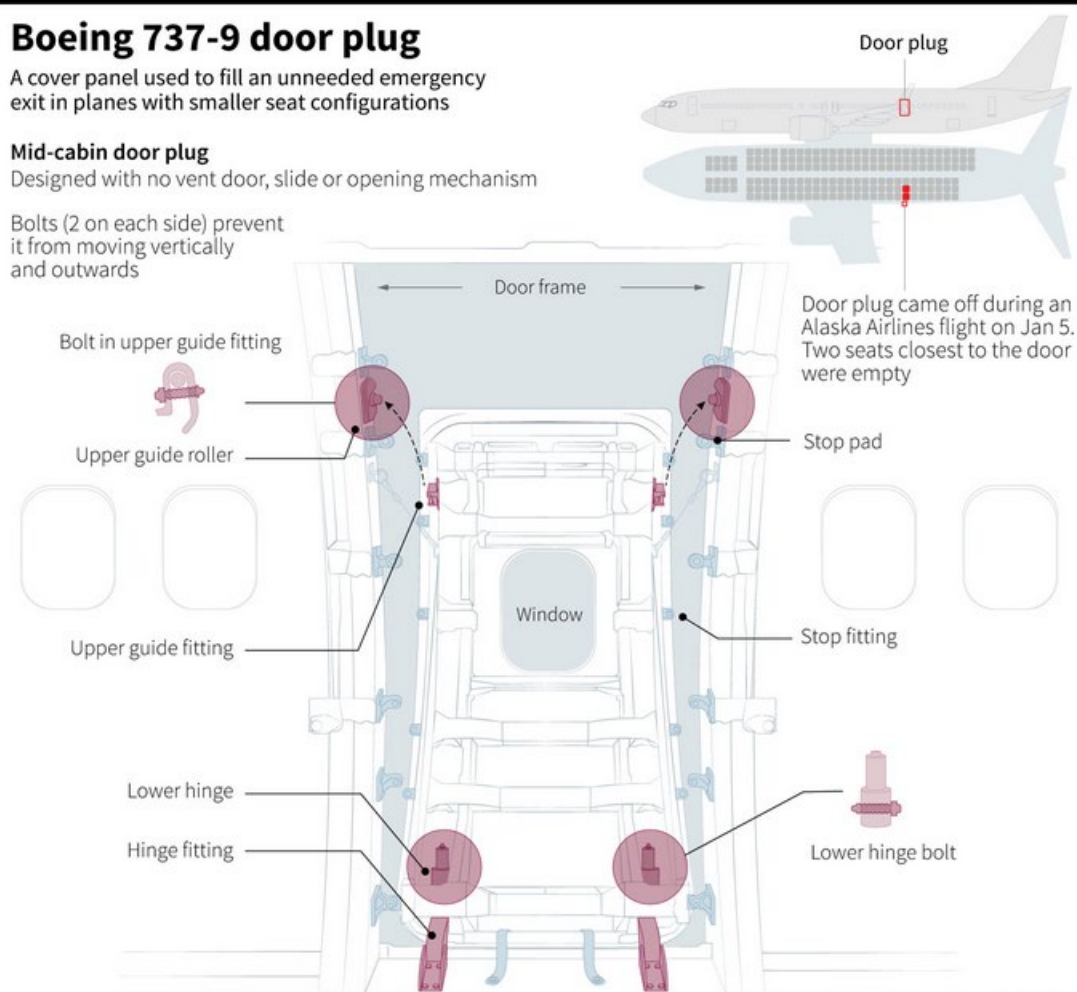
Boeing 737-9 door plug

A cover panel used to fill an unneeded emergency exit in planes with smaller seat configurations

Mid-cabin door plug

Designed with no vent door, slide or opening mechanism

Bolts (2 on each side) prevent it from moving vertically and outwards



Sources: Boeing, NTSB, Chris Brady (www.b737.org.uk)

AFP

2.6 Missing and/or defective bolts. On information and belief formed after reasonable inquiry, and subject to further investigation and discovery, The Boeing Company delivered the subject 737-MAX 9 to Alaska Airlines, Inc. without properly securing the plug to the airframe, and/or one or more of the bolts and/or seals required by design to secure the door was or were defective in their material and/or form at the time the aircraft was manufactured and delivered to

⁶ Illustration published in Barron's (1/11/2024), available at <https://www.barrons.com/news/boeing-737-9-door-plug-218747a7>.

the purchaser. On information and belief subject to further investigation and discovery, Boeing mechanics found six loose bolts on the roller guide plates in the door frame of the Subject Aircraft during its assembly around the right side door plug (not the left one that blew out aloft), and had tightened them.⁷ The NTSB has found that the guide roller tracks at the missing left door plug were fractured.⁸

2.7 More loose bolts. Federally mandated inspections after January 5, 2024, of Boeing 737-MAX 9 aircraft owned and operated by Alaska Airlines and United Airlines, in response to the incident that gives rise to this Complaint, have found numerous loose bolts, which suggest that The Boeing Company has failed to design and/or construct those aircraft safely.

2.8 Pressure System Alarms. The Subject Aircraft had three in-flight pressure system alarms before January 5, 2024, which resulted in Alaska Airlines withdrawing the aircraft from long-range service over water, so that if a pressurization problem were to occur, the aircraft could rapidly return to an airport.

III. QUALITY KILLERS

3.1 Profit culture. As reported by Dominic Gates in the Seattle Times on January 15, 2024, aviation analyst Richard Aboulafia, of AeroDynamic Advisory describes how Boeing adopted a focus on cost-cutting and financial metrics.

Aboulafia placed blame firmly on CEO Calhoun and Boeing's longtime focus on cost cutting and financial metrics.

In particular he cited the strategy Boeing euphemistically dubbed "Partnership for Success" that former CEO Jim McNerney pushed: squeezing suppliers with ever lower pricing for their parts.

That led Spirit in particular into a spiral of losing money in making parts for Boeing.

⁷ <https://theaircurrent.com/aviation-safety/undamaged-plug-exit-on-alaska-max-9-had-fasteners-tightened-during-assembly/>

⁸ *Id.*

1 In June, Spirit was \$3.7 billion in debt. Its cumulative losses on the 787 Dreamliner
2 program alone amounted to a colossal \$1.4 billion, or about \$1 million per airplane.

3 “The idea of demanding more for less endlessly and leaving it to suppliers to worry
4 how they’re going to stay alive, that was just not a viable formula,” Aboulafia said.

5 By October, the financial distress came to a head, and after Shanahan came in Boeing finally
6 was persuaded to recognize it must pay Spirit more to save it.

7 It agreed to give Spirit better pricing, with one provision having Boeing pump in an
8 additional \$455 million over the next two years to build 440 Dreamliners — about \$1 million
9 per airplane.

10 Aboulafia said unless Boeing returns its focus to engineering and manufacturing, further
11 quality problems will inevitably follow.

12 “It’s gonna keep happening until they change their culture,” he said. “And that change is not
13 coming from the top.”

14 “The message from Calhoun and company has been we’ll turn on the free cash flow
15 again, investors will be happy. That’s it,” Aboulafia said.⁹

16 3.2 Rushed production. On information and belief subject to further investigation and
17 discovery: Production schedule, not safety quality, is “king” at Boeing, and this has not changed
18 since the MAX 8 disasters in Indonesesia and Ethiopia. Since those crashes, Boeing has had over
19 20 reports of production problems come to light, and multiple requests by Boeing to the FAA for
20 engineering exemptions. Factory workers sometimes have to “chase the plane” down the
21 production line in order to complete their work if they are not prepared with parts or otherwise to
22 work on it at the time it passes them initially; then they have to go backwards down the line to
23 catch up.

24 3.3 Quality inspectors. In aviation manufacturing, traditionally quality inspectors have
acted as a “second set of eyes” to ensure that work is correctly done. For example, they check that
the torque on a nut is correct, that the bolt and hole are the proper size, that safety wires to prevent
the bolt from backing out is correct. These checks are to be recorded as part of the FAA’s

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1 regulatory oversight system. But the FAA has found that in some instances, Boeing managers have
2 pressured quality inspectors to issue final acceptances without documentation of defect repairs.
3 Those defects may not go away, and may not be documented.

4 3.4 Reduction of quality inspectors. Boeing has worked hard, fighting union
5 opposition and FAA skepticism, to eliminate quality inspections in favor of the fantasy that
6 humans are not human, such that everything will be done right the first time. Since the fatal MAX
7 8 crashes, thousands of quality control inspections have been removed. Boeing has moved to
8 quality checking samples of parts, not every part. Instead of relying on humans, Boeing has been
9 increasingly relying on electronic tools to do some of the quality checking, and instead of marking
10 checked nuts on the nut where a worker or inspector can see it, recording the checks electronically.
11 Boeing's delegation of 737 fuselage construction to subcontractors long preceded the construction
12 of the Subject Aircraft. On information and belief formed after reasonable inquiry and subject to
13 further investigation and discovery, Boeing and its subcontractors involved in construction of the
14 Subject Aircraft's fuselage including but not limited to its door plug assemblies, in order to
15 increase profit, did not use dedicated quality control inspectors, but rather mandated that workers
16 would inspect their own work.

17 3.5 Alaska Airlines' knowledge of reduced quality inspection. On information and
18 belief formed after reasonable inquiry and subject to further investigation and discovery,
19 Defendant Alaska Airlines knew that Boeing and its subcontractors were relying on production
20 workers to inspect their own work, and knew that system could overlook manufacturing defects
21 that dedicated quality control inspectors would catch.

22 3.6 Fuselage construction. Long before Alaska Airlines purchased the Subject Aircraft,
23 Boeing no longer conducted initial manufacture of that aircraft's fuselage, including but not
24

1 limited to the door plug assemblies, but that they were manufactured by subcontractors and
 2 delivered to Boeing in Renton, Washington, where Boeing assembled the aircraft components into
 3 an aircraft. In December 2020, the U.S. Congress passed an FAA overhaul meant to improve
 4 oversight of Boeing and others. In December 2021, whistleblowers gave a report to Congress
 5 warning that the aerospace industry suffered from fundamental safety oversight problems. In April
 6 2023, Spirit AeroSystems reported defects in fittings that attach the vertical tail on MAX aircraft.¹⁰
 7 In August 2023, Boeing discovered defects in the aft pressure bulkhead assembled by Spirit
 8 AeroSystems.¹¹ In December 2023, Boeing warned all airlines to inspect 737 MAX airliners for
 9 loose bolts in the rudder control system.¹²

10 3.7 Alaska Airlines' knowledge of fuselage construction. Long before Alaska Airlines
 11 purchased the Subject Aircraft, it knew that Boeing no longer conducted initial manufacture of
 12 that aircraft's fuselage, including but not limited to the door plug assemblies, but that they were
 13 manufactured by subcontractors and delivered to Boeing in Renton, Washington, where Boeing
 14 assembled the aircraft components into an aircraft.

15 3.8 Incorrect and inferior parts. On information and belief formed after reasonable
 16 inquiry and subject to further investigation and discovery, incorrect and/or inferior parts were used
 17 to construct the Subject Aircraft, including but not limited the fuselage and door plug assembly.

18 3.9 Alaska Airlines' knowledge of incorrect and inferior parts. On information and
 19 belief formed after reasonable inquiry and subject to further investigation and discovery,
 20 Defendant Alaska Airlines knew, or reasonably should have known, before January 5, 2024, that

21 _____
 22 ¹⁰ <https://www.seattletimes.com/business/boeing-aerospace/new-boeing-quality-issue-means-fewer-737-maxs-for-airlines-this-summer/>

23 ¹¹ <https://www.seattletimes.com/business/boeing-aerospace/boeing-cfo-says-latest-737-max-defect-will-impact-deliveries-and-profits/>

24 ¹² See, e.g., <https://www.seattletimes.com/business/boeing-aerospace/boeing-737-max-timeline-troubled-history-uncertain-future/>

incorrect and/or inferior parts were being used to construct the Subject Aircraft, including but not limited the fuselage and door plug assembly.

IV. THE PARTIES

4.1 Plaintiff Iris Ruiz. Plaintiff Iris Ruiz was a passenger on the January 5, 2024 Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. At that time and at the commencement of this action, she was a resident of Vancouver, Washington. She was in seat 18A.

4.2 Plaintiff Garet Cunningham. Plaintiff Garet Cunningham was a passenger on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. He was in seat 28D. At that time and at the commencement of this action, he was a resident of Corona, California.

4.3 Plaintiff Rosalba Ruiz. Plaintiff Rosalba Ruiz was a passenger on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. She was in seat 28E. At that time and at the commencement of this action, she was a resident of Corona, California.

4.4 Plaintiff Bart Berry. Plaintiff Bart Berry was not a passenger on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. He is married to Plaintiff Elena Marie Berry, a passenger on the aircraft. At that time and at the commencement of this action, he was a resident of Venice, Florida.

4.5 Plaintiff Elena Marie Berry. Plaintiff Elena Marie Berry was a passenger on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. She was in seat 18C. At that time and at the commencement of this action, she was a resident of Venice, Florida.

1 4.6 Plaintiff Gwint L. Fisher. Plaintiff Gwint L. Fisher was a passenger on
2 January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario,
3 California. He was in seat 16C. At that time and at the commencement of this action, he
4 was a resident of Long Beach, Washington.

5 4.7 Plaintiff Renée Fisher. Plaintiff Renée Fisher was a passenger on January 5,
6 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. She
7 was in seat 16B. At that time and at the commencement of this action, she was a resident
8 of Long Beach, Washington.

9 4.8 Plaintiff Suzannah Anderson. Plaintiff Suzannah Anderson was a passenger
10 on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario,
11 California. She was in seat 1C. At that time and at the commencement of this action, she
12 was a resident of Portland, Oregon.

13 4.9 Plaintiff Caden Ashkar, a minor, was a passenger on January 5, 2024,
14 Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California. He was in
15 seat 20F. At that time and at the commencement of this action, he was a resident of
16 Temecula, California.

17 4.10 Plaintiff Kendra Frome. Plaintiff Kendra Frome was a passenger on
18 January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario,
19 California. She was in seat 19D. Her 1-year-old son was in her lap. Her 3-year-old daughter
20 was in 19E. Her five-year-old daughter was in 19F. At that time and at the commencement
21 of this action, she was a resident of Redlands, California.

22 4.11 Plaintiff Jacob Frome. Plaintiff Jacob Frome, a 1-year-old minor, was a
23 passenger on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to
24

1 Ontario, California. He was in Seat 1D in his mother Kendra Frome's lap. At that time and at the
2 commencement of this action, he was a resident of Redlands, California.

3 4.12 Plaintiff Hazel Frome. Plaintiff Hazel Frome, a 3-year-old minor, was a passenger
4 on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California.
5 She was in Seat 1E. At that time and at the commencement of this action, she was a resident of
6 Redlands, California.

7 4.13 Plaintiff Olivia Frome. Plaintiff Olivia Frome, a 5-year-old minor, was a passenger
8 on January 5, 2024, Alaska Airlines Flight 1282, departing Portland, Oregon to Ontario, California.
9 She was in Seat 1F. At that time and at the commencement of this action, she was a resident of
10 Redlands, California.

11 4.14 Defendant Boeing. Defendant The Boeing Company ("Boeing") is a Delaware
12 corporation with its corporate headquarters in Arlington, Virginia. Its Commercial Airplanes
13 Division is headquartered in Renton, Washington. One of its principal manufacturing facilities
14 is located in Renton, Washington. Boeing's principal place of business is in Seattle, WA 98108,
15 where it owns, operates manages and controls one of the largest aircraft manufacturing facilities
16 in the world, located in Everett, Washington, as well as a major manufacturing plant in Renton,
17 Washington, and other facilities in Washington. The registered agent for Boeing is Corporation
18 Service Company, 300 Deschutes Way SW, Suite 304, Tumwater, WA 98501.

19 4.15 Defendant Alaska Airlines, Inc. Defendant Alaska Airlines, Inc. is a corporation
20 organized and existing under the laws of the state of Washington with its headquarters in
21 Washington, located at 19300 International Blvd, Ste 800, SeaTac, WA, 98188-4231. Its
22 registered agent for service of process in Washington is Kyle Levine, 19300 International Blvd.,
23
24

1 Ste. 800, SeaTac, WA, 98188-4231. Defendant Alaska Airlines' principal business is the
2 transportation of passengers on aircraft.

3 **V. JURISDICTION & VENUE**

4 5.1 Subject matter jurisdiction. The Superior Court of the State of Washington has
5 jurisdiction over the subject matter and persons in this action because the incident complained of
6 arose from Defendants and/or their agents' commission of one or more tortious acts within
7 Washington, and/or ownership, use and/or possession of property within Washington, and the
8 damages suffered by each Plaintiff exceeds three hundred dollars.

9 5.2 Personal jurisdiction. Defendants are subject to personal jurisdiction in
10 Washington for reasons pleaded in this complaint. Defendants were properly served with process
11 in this action, in accordance with Washington law.

12 5.3 Venue. Proper venue of this matter exists in the Superior Court of the State of
13 Washington in and for King County because this cause of action or some part thereof arose in King
14 County, Washington.

15 **VI. AGENCY**

16 6.1 Agency. At all times and for all purposes material to this action, an entity doing
17 business as Spirit AeroSystems was an agent of The Boeing Company, acting within the course
18 and scope of Spirit AeroSystems' duties as such in constructing the fuselage for the Subject
19 Aircraft, including but not limited to construction and/or installation of the plug door and its
20 mounting system at issue in the fuselage.

21 **VII. INJURIES & DAMAGES**

22 7.1 Physical injury. Some passengers experienced physical injuries as a result of their
23 experience on the Subject Aircraft on January 5, 2024. For example:
24

1 7.1.1 Iris Ruiz. The plug door blow-out jolted Iris Ruiz's head back and forth
2 causing a concussion and soft tissue injuries to her neck and back. Her ears experienced so much
3 pressure she thought her head would explode. She lost hearing and her left ear bled internally. She
4 could not breathe properly as her oxygen mask did not seem to be working. These injuries led to a
5 state of confusion, as she could not perceive well what was happening. She has cried over concern
6 that if she were to die, her adolescent daughter would have nobody to care for her.

7 7.1.2 Renée Fisher. Plaintiff Renée Fisher had difficulty breathing and started
8 passing out aboard the Subject Aircraft.

9 7.1.3 Gwint Fisher. Plaintiff Gwint Fisher had difficulty breathing aboard the
10 Subject Aircraft. He suffers from a seizure disorder, generally triggered by stressful situations.
11 While he had that condition before January 5, 2024, the trauma of his experience on Flight 1282
12 resulted in a seizure after he disembarked.

13 7.1.4 Rosalba Ruiz. Plaintiff Rosalba Ruiz had difficulty breathing.

14 7.1.5 Unknown passenger. An unknown male passenger was observed to have a
15 leg or foot injury.

16 7.1.6 Suzannah Anderson. Plaintiff Suzannah Anderson saw the cockpit door fly
17 open and debris fly out. She was struck in the face by an unknown object. She suffered whiplash
18 symptoms and developed severe headaches. Her oxygen stopped working and she was forced to
19 switch masks. Blood vessels in ears ruptured and bled for days. Her sleep was disturbed.

20 7.1.7 Kendra Frome. Plaintiff Kendra Frome became dizzy and felt she was
21 losing consciousness. After putting on her oxygen mask, she struggled to tighten the belts on her
22 daughters next to her and to keep a mask on her robust one-year-old son as he screamed and
23
24

1 thrashed. A few minutes later, she felt the oxygen run out and started becoming dizzy again. In the
2 days following, she developed serious back pain and could not sleep.

3 7.2 Emotional distress. The in-flight incident aboard the Subject Aircraft on January
4 5, 2024 caused Plaintiffs, and on information and belief formed after reasonable inquiry and
5 subject to further investigation and discovery, other passengers, to suffer emotional distress,
6 including but not limited to some or all of the following: terror, fear of death or serious injury,
7 worry, anxiety, reaction to sudden noises, flashbacks of the incident and reluctance to fly both
8 before and after the incident aboard Flight 1282.

9 7.3 Physical manifestations. The in-flight incident aboard the Subject Aircraft on
10 January 5, 2024 caused Plaintiffs, and on information and belief formed after reasonable inquiry
11 and subject to further investigation and discovery, other passengers, to suffer physical
12 manifestations borne from the emotional distress that occurred including but not limited to some
13 or all of the following: crying, impaired and/or abnormal breathing, seizure, and insomnia. The
14 impacts on their willingness to fly at all and future flight experiences remain to be revealed.

15 7.4 Other injuries and damages. The in-flight incident aboard the Subject Aircraft on
16 January 5, 2024 caused Plaintiffs, and on information and belief formed after reasonable inquiry
17 and subject to further investigation and discovery, other passengers and their spouses and/or
18 registered domestic partners, to suffer other special and general damages in amounts to be proved
19 at trial, including but not limited to charges for evaluation and/or treatment of health conditions
20 and associated travel expenses, ticket fees, costs associated with cancelation of travel plans, the
21 value of lost personal items, lost wages and other economic opportunities damages, psychological
22 injury, lost enjoyment of life, lost travel and economic opportunities, inconvenience, lost personal
23 experiences, and loss of consortium.

VIII. CAUSES OF ACTION

For causes of action based upon the foregoing allegations, Plaintiffs allege:

A. PRODUCT LIABILITY: CONSTRUCTION DEFECT - BOEING

8.1 Product. The Subject Aircraft and its left plug door assembly are each a “product” and a “relevant product” within the meaning of the Washington Product Liability Act, Chapter 7.72 of the Revised Code of Washington.

8.2 Deviation. On information and belief, subject to further investigation and discovery, the Subject Aircraft and its left plug door assembly were each defective in their construction within the meaning of RCW 7.72.030(2)(a), because when the product left the control of the manufacturer, the product deviated in some material way from the design specifications or performance standards of the manufacturer, or deviated in some material way from otherwise identical units of the same product line, in the manners described above.

8.3 Consumer expectation. On information and belief formed after reasonable inquiry and subject to further investigation and discovery, the Subject Aircraft and its left plug door assembly were each defective in their construction within the meaning of RCW 7.72.030(2)(a), because they were unsafe to an extent beyond that which would be contemplated by the ordinary consumer, in the manners described above.

B. BREACH OF COMMON CARRIER’S DUTY - ALASKA AIRLINES

8.4 Boeing’s criminal history. Boeing was indicted for defrauding the United States government because Boeing perpetuated a culture of concealment and fraud in connection with the FAA’s evaluation of Boeing’s 737 MAX airplane, dating back to 2016. Specifically, Boeing concealed from the FAA important information about a change to the Maneuvering Characteristics Augmentation System (“MCAS”), which led the FAA to delete information about the MCAS from

1 a report, which in turn led to that information being omitted from airplane manuals and pilot
 2 training materials. On or about January 7, 2021, Boeing admitted its conspiracy to defraud the
 3 United States, and entered into a deferred prosecution agreement with the United States
 4 Government, by which it paid a fine of \$2.5 billion. “Today's deferred prosecution agreement
 5 holds Boeing and its employees accountable for their lack of candor with the FAA regarding
 6 MCAS,” said Special Agent in Charge Emmerson Buie Jr. of the FBI’s Chicago Field Office.
 7 Acting Assistant Attorney General David P. Burns of the Justice Department’s Criminal Division
 8 stated, “The tragic crashes of Lion Air Flight 610 and Ethiopian Airlines Flight 302 exposed
 9 fraudulent and deceptive conduct by employees of one of the world’s leading commercial airplane
 10 manufacturers.” Boeing’s employees chose the path of profit over candor by concealing material
 11 information from the FAA concerning the operation of its 737 Max airplane and engaging in an
 12 effort to cover up their deception. This resolution holds Boeing accountable for its employees’
 13 criminal misconduct, addresses the financial impact to Boeing’s airline customers, and hopefully
 14 provides some measure of compensation to the crash-victims’ families and beneficiaries.” In that
 15 press release, U.S. Attorney Erin Nealy Cox for the Northern District of Texas stated, “The
 16 misleading statements, half-truths, and omissions communicated by Boeing employees to the FAA
 17 impeded the government’s ability to ensure the safety of the flying public.” “This case sends a
 18 clear message: The Department of Justice will hold manufacturers like Boeing accountable for
 19 defrauding regulators – especially in industries where the stakes are this high.”¹³

20 8.5 Court finding of fraud. On October 21, 2022, a federal judge of the United States
 21 District Court for the Northern District of Texas, after hearing evidence and testimony, found that
 22 if Boeing had not committed its fraud crime, the FAA would have required specific training for
 23

24 ¹³ <https://www.justice.gov/opa/pr/boeing-charged-737-max-fraud-conspiracy-and-agrees-pay-over-25-billion>

operators of the 737 MAX concerning differences in flight controls between that aircraft type and the prior version of the 737, known as the 737 Next Generation, and would have included information related to MCAS's low-speed expansion capabilities in relevant training materials. Had that occurred, foreign regulators—including Indonesian and Ethiopian authorities—would have issued similar training certifications and instructional materials, having taken their cue from the world's leading authority on aviation standards, the FAA. And ultimately, foreign operators of the 737 MAX—including the pilots on Lion Air Flight 610 and Ethiopian Airlines Flight 302—would have received training adequate to respond to the MCAS activation that occurred on both aircrafts. In sum, but for Boeing's criminal conspiracy to defraud the FAA, 346 people would not have lost their lives in those airline disasters.¹⁴

8.6 Alaska Airlines' knowledge of Boeing's crime. The indictment and deferred prosecution agreement related to the crashes of the 737-MAX 8 aircraft involved in the Lion Air Flight 610 and Ethiopian Airlines Flight 302 disasters were big news, and a major subject of discussion in the commercial aviation industry. On information and belief formed after reasonable inquiry, and subject to further investigation and discovery, Defendant Alaska Airlines top management was keenly aware of that news as it broke.

8.7 Alaska Airlines' purchase of 737-MAX 9 aircraft. On October 26, 2022, Defendant Alaska Airlines announced that it had made the “biggest Boeing aircraft order in its 90-years history”.¹⁵ The announcement said, in part:

Already operating a fleet of 35 737-9 aircraft, we expect to accept delivery of another 43 MAX aircraft between now and the end of 2023—at which point we will once again operate a mainline fleet solely of Boeing aircraft. The performance

¹⁴ United States of America v. The Boeing Company, Criminal Action No. 4:21-cr-5-O (N.D. Tex. 10/21/2022), Dkt. 116 (Second Memorandum Opinion & Order)

¹⁵ <https://news.alaskaair.com/alaska-airlines/alaska-airlines-makes-biggest-boeing-aircraft-order-in-its-90-year-history/>

1 of the 737-9 has exceeded expectations on economics and fuel efficiency, as well
2 as guest satisfaction.

3 This order positions Alaska's fleet as one of the most efficient, environmentally
4 friendly, and profitable fleets in the industry. The order includes 737-8, 737-9 and
5 737-10 aircraft, enabling Alaska to optimally match aircraft size and capability with
6 market characteristics. We have full flexibility to shift between 737 MAX models
7 as appropriate.

8 Two months later, Alaska Airlines announced a restructured agreement with Boeing to acquire a
9 total of 68 737-9 MAX aircraft with options for another 52. In the announcement, Brad Tilden,
10 CEO of Alaska Airlines, Inc.'s parent company, Alaska Air Group, stated, "We believe in this
11 airplane, we believe in our strong partnership with Boeing, and we believe in the future of Alaska
12 Airlines and the incredible opportunities ahead as we climb our way out of this pandemic. We
13 could not ask for a better partner than Boeing and we are delighted to be standing side by side with
14 them as we work together to get our economy back on its feet." The announcement went on: "With
15 Alaska's industry-leading reputation for safety, sustainability and customer service, we are
16 honored that the airline has chosen to invest in its future with a significant purchase of additional
17 Boeing 737 airplanes," said Stan Deal, president and CEO, Boeing Commercial Airplanes. "We
18 are grateful for Alaska's trust and partnership. Our team is focused on delivering their first 737
19 MAX jets and helping ensure a safe and seamless entry into service." The announcement declared
20 Alaska Airlines' intention to replace all its Airbus A319 and A320 airliners with Boeing aircraft,
21 in the interests of managing costs and liquidity, and to own the new aircraft rather than lease them.
22 The announcement gave a nod to Boeing, including the phrase, "leveraging the talents of a global
23 supplier base." "A small signing ceremony between Alaska and Boeing executives was held on
24

Friday, Dec. 18, at the Boeing Delivery Center in Seattle” to seal the deal.¹⁶ A photo from the ceremony is below:



8.8 Distribution of 739-9 aircraft. On information and belief formed after reasonable inquiry and subject to further investigation and discovery, as of January 2024, there are 212 737-9 aircraft in operation globally, of which Alaska Airlines operates 65 (or 30.66%) and United Airlines 79 (or 37.26%).

8.9 Common Carrier. Defendant Alaska Airlines was by law at all times material to this action a common carrier with respect to each Plaintiff.

8.10 Highest Duty. Airlines and other common carriers owe their passengers the highest duty of care known to the law.

8.11 Nature of Duty. A common carrier has a duty to its passengers to exercise the highest degree of care consistent with the practical operation of its type of transportation and its business as a common carrier. Any failure of a common carrier to exercise such care is negligence. WPI 100.01.

¹⁶ <https://news.alaskaair.com/newsroom/alaska-airlines-announces-restructured-agreement-with-boeing-to-acquire-a-total-of-68-737-9-max-aircraft-with-options-for-another-52/>

1 8.12 Others' misconduct. The duty of a common carrier includes a duty to protect its
 2 passengers from harm resulting from the misconduct of others, when such conduct is known or
 3 could reasonably be foreseen and prevented by the exercise of the care required of a common
 4 carrier.

5 8.13 Acknowledgement of need for improvement. On January 13, 2024, Defendant
 6 Alaska Airlines published the following obvious statement, "Last week's incident involving
 7 Alaska Airlines Flight 1282 was an extremely sobering reminder that these layers require
 8 continuous strengthening and improvement."¹⁷ Alaska Airlines then stated:

9 Boeing leadership has publicly said that this incident is the result of a "quality
 10 escape."¹⁸ This week, we engaged in a candid conversation with Boeing's CEO and
 11 leadership team to discuss their quality improvement plans to ensure the delivery
 12 of the highest quality aircraft off the production line for Alaska." We welcome and
 13 appreciate the FAA's recently announced steps to audit and review all safety
 14 processes in the production of the 737-9 MAX aircraft, and more broadly at Boeing
 15 and Spirit AeroSystems, Boeing's supplier that builds the fuselage for the planes.

16 In addition to the FAA's review and oversight, Alaska Airlines will initiate and
 17 enhance our own layers of quality control to the production of our airplanes:

- 18 • Our quality and audit team began a thorough review of Boeing's production
 19 quality and control systems, including Boeing's production vendor oversight,
 20 and will partner with our maintenance team on the design of enhanced processes
 21 for our own quality control over aircraft at Boeing.
- 22 • Starting this week, we will also enhance our own quality oversight of Alaska
 23 aircraft on the Boeing production line, expanding our team with additional
 24 experienced professionals to validate work and quality on the Boeing 737
 production line.

Over many decades, we have cultivated a strong partnership with Boeing. With a
 commitment to transparency and candor, we are dedicated to working together to
 uphold the utmost quality and safety of our airplanes for our employees and guests.

¹⁷ <https://news.alaskaair.com/alaska-airlines/operations/as-1282/>

¹⁸ *Id.*

1 8.14 What was not said. As encouraging as those words may be, they also imply
2 Defendant Alaska Airlines’ apparent failure to do the same with respect to the Subject Aircraft
3 before January 5, 2024. Alaska Airlines has not stated that it had any such conversation or
4 conducted any such quality oversight before January 5, 2024, despite its knowledge of the safety
5 hazards growing out of Boeing’s adoption of a profit-driven culture – Boeing’s fraudulent
6 misrepresentations to the FAA, rushed aircraft production, curtailment of “second eye” quality
7 inspections, incorrect and inferior parts, pressures to conceal reporting of production errors – that
8 reduced Boeing aircraft manufacturing quality. Nor has Defendant Alaska Airlines adequately
9 explained whether the Subject Aircraft’s auto-pressure “fail alarm” warnings could have indicated
10 an air leak in the fuselage. Nor has Defendant Alaska Airlines explained to the passengers on Flight
11 1282 why the Subject Aircraft was deemed safe to fly over land but not over water; given that
12 depressurization could be catastrophic over any surface.

13 8.15 Breach: Failure to require proof of dedicated quality control inspectors. On
14 information and belief formed after reasonable inquiry and subject to further investigation and
15 discovery, Defendant Alaska Airlines breached its duty of care to the passengers on the Subject
16 Aircraft by purchasing the Subject Aircraft without requiring Boeing to demonstrate to the airline
17 that the Subject Aircraft, including but not limited to its fuselage and door plug assemblies, had
18 been constructed using dedicated quality inspectors to ensure that the parts were those specified
19 by Boeing’s design engineers, that the parts met design, material and construction specifications,
20 and that the parts were installed correctly according to Boeing’s design.

21 8.16 Breach: Failure to ground Subject Aircraft. The NTSB has reported that when
22 Flight 1282 took off from Portland International Airport on January 5, 2024, Defendant Alaska
23 Airlines had deemed the Subject Aircraft unsafe to fly long distances over water, based on three
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1 prior instances in which the auto pressure system “fail light” illuminated, compelling use of a
2 backup system, and was reset; including on January 3, 2024 and on January 4, 2024. Although at
3 the time of filing this complaint, it is not clear whether that system malfunctioned in a way that
4 caused the Subject Aircraft’s left door plug to fail in flight, it is also unclear whether those
5 warnings were a harbinger of a slow or intermittent pressure leak at the left door plug. Defendant
6 Alaska Airlines breached its duty to its passengers by failing to ground the Subject Aircraft prior
7 to the flight that gives rise to this lawsuit.

8 C. CLASS RELIEF

9 8.17 Breach and causation. The actions and omissions of Defendants and their agents
10 as described above breached their duties as described above to the passengers aboard Alaska
11 Airlines Flight 1282 on January 5, 2024, as well as to their spouses and registered domestic
12 partners, and were a proximate cause of their injuries.

13 8.18 The Class. Plaintiffs bring this class action pursuant to CR 23(b)(1)-(3) on behalf
14 of the Class defined as follows: All passengers aboard Alaska Airlines Flight 1282 on January 5,
15 2024, who were not at that time on-duty employees of the Defendant, and their spouses and
16 registered domestic partners.

17 8.19 Class relief. Pursuant to CR 23(c)(4)(A), Plaintiffs bring claims on behalf of
18 themselves and the Class to adjudicate the Defendant The Boeing Company’s liabilities. The
19 extent of each individual class member’s injuries and damages may be determined and resolved
20 otherwise.

21 8.20 Class notice. Plaintiffs request a Class Notice advising the Class Members the
22 Class may be entitled to injunctive relief, a monetary award for their special and general damages,
23 and any other applicable relief the Court sees fit and just to award.

1 8.21 Numerosity. The Class is believed to include approximately 171 individual
2 passengers and their spouses and registered domestic partners, at least some of whom reside in
3 Washington State, but some of whom do not. The Class is so numerous that joinder of all members
4 is impracticable. The disposition of the liability claims of the Class in a single action will provide
5 substantial benefits to all parties and the Court.

6 8.22 Commonality. The Class members have questions of law and fact in common,
7 including but not limited to:

8 8.22.1 The facts, federal and state law pertaining to the cause(s) and nature of the
9 incident aboard Flight 1282 on January 5, 2024 that is the subject of this complaint; and

10 8.22.2 Whether Defendant The Boeing Company and its agents breached their
11 legal duties to the Class members as described above, and whether any or all of those breaches
12 was a proximate cause of the depressurization event described above.

13 8.23 Typicality. Plaintiffs' liability claims and claims for injunctive relief are typical
14 of the claims available to the other members of the Class and are not subject to any atypical claims
15 or defenses. The Class liability issues are identical to the entire Class.

16 8.24 Adequacy. Plaintiffs will fairly and adequately represent the Class, and are
17 committed to prosecuting this action, have no conflicts of interests, and have retained competent
18 counsel who are experienced civil trial lawyers with recent significant experience in complex and
19 class action litigation and trial, including but not limited to matters involving aviation. Plaintiffs
20 and their counsel are committed to prosecuting this action vigorously on behalf of the Class and
21 have the financial resources to do so. Neither Plaintiffs nor their counsel have interests that are
22 contrary to or that conflict with those of the proposed Class.

1 8.25 Predominance. The common issues identified above predominate over any
 2 individualized issues. Adjudication of these common issues in a single action has important and
 3 desirable advantages of judicial economy.

4 8.26 Superiority. Plaintiffs, Class members, and other travelers on Boeing 737-MAX 9
 5 model aircraft have suffered and may continue to suffer harm and damages as a result of
 6 Defendants and their agents' misconduct. Absent a Class action, most Class members would likely
 7 find litigation of their claims cost-prohibitive.

8 8.26.1 Class treatment is superior to multiple individual suits or piecemeal
 9 litigation because it conserves judicial resources, promotes consistency and efficiency of
 10 adjudication, and provides a single forum for all claims, which forum is where the defendants are
 11 at home. On information and belief, no member of the class has commenced any litigation
 12 concerning the controversy that is the subject of this action. If any members of the class are
 13 interested in individually controlling the prosecution of separate actions, they may opt out of the
 14 class. Whether such class members exist is presently unknown to Plaintiffs.

15 8.26.2 Class members can be identified by Defendants electronic search of Alaska
 16 Airlines' Flight 1832's passenger manifest.

17 8.26.3 There will be no significant difficulty in the management of this case as a
 18 Class action. Once relief is granted on Class issues, the Class will be notified of the opportunity
 19 to come forward and assert individual claims for relief. Those claims can be grouped or sorted
 20 into subclasses as needed if they do not resolve.

21 **IX. PRAYER FOR RELIEF**

22 Wherefore, Plaintiffs respectfully request this Court grant them the following relief against
 23 Defendants jointly and severally:

STRITMATTER KESSLER KOEHLER MOORE

Janet R. Lawrence

By: Daniel R. Laurence, WSBA#19697
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